

**IN THE UNITED STATES DISTRICT COURT FOR  
THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION**

<b>UNITED STATES OF AMERICA</b>	)	
	)	
v.	)	
	)	<b>CRIMINAL NO. 2:05-CR-119-MEF</b>
<b>DON EUGENE SIEGELMAN</b>	)	
<b>PAUL MICHAEL HAMRICK</b>	)	
<b>GARY MACK ROBERTS, and</b>	)	
<b>RICHARD M. SCRUSHY.</b>	)	

**GOVERNMENT’S MOTION IN LIMINE TO BAR DEFENDANTS  
FROM PRESENTING TESTIMONY, EVIDENCE, OR ARGUMENT  
CONCERNING ALLEGED POLITICAL MOTIVATION FOR THE  
PROSECUTION AND SUPPORTING MEMORANDUM OF LAW**

Comes now the United States of America, by and through Louis V. Franklin, Sr., Acting United States Attorney for the Middle District of Alabama, and Andrew C. Lourie, Acting Chief of the Public Integrity Section of the Criminal Division of the United States Department of Justice respectfully moves this Court for an Order precluding the defendants, counsel for the defendants, and defendants’ witnesses from mentioning, referencing, introducing, offering, or attempting to introduce or offer any evidence, testimony, or argument that politics was a motivating factor in the government’s decision to prosecute the defendants. As grounds for this motion, the United States submits that recent filings by the defendants indicate that they, in particular Defendant Siegelman, intend to improperly interject politics into the trial of this public corruption case. For the reasons stated herein, the government anticipates that Defendant Siegelman plans to present testimony, evidence, or argument to the effect that this case is the product of political motivations. Evidence, testimony, or argument to this effect should not be permitted for two reasons. First, such evidence, testimony, or argument is not relevant to the issues in the case. Second, even if relevant, any evidence of politics, whether directed to the political affiliations of the defendants, the prosecutors,

or anyone else, should be excluded under Rule 403 of the Federal Rules of Evidence on the grounds that its probative value is substantially outweighed by the danger of unfair prejudice, confusion of the issues, and/or misleading the jury.

### MEMORANDUM OF LAW

For months Defendant Siegelman has inundated the media with accusations that this public corruption prosecution is the result of a political witch hunt. See e.g., Exhs. 1-3. He has publicly charged that the motivations behind the present indictment are purely political. He has repeatedly claimed that a Republican U.S. Attorney and Republican Attorney General, working for a Republican Governor, colluded to somehow maneuver a federal grand jury to return an indictment against him and former members of his staff.

On March 28, 2006, for example, Defendant Siegelman is quoted in a story appearing in the Prattville Progress (Exh. 1) as stating that the charges are bogus and a direct attack on his campaign. He claims in the article that Governor Bob Riley is behind the indictment:

The marriage between Riley's campaign manager, Billy Canary, and the U.S. [A]ttorney, Leura Garrett Canary, has provided Riley the means to try to sabotage this campaign.<sup>1</sup>

On March 30, 2006, Defendant Siegelman leveled similar charges in the Clanton Advertiser (Exh. 2). He is quoted as saying:

First of all, this case was started by Bob Riley's campaign manager's wife. His campaign manager was Bill Canary and his wife is Leura Canary, who is the U.S.

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<sup>1</sup> The article points out that Josh Blades, Governor Riley's campaign spokesman, denies Defendant Siegelman's allegations. Mr. Blades states, "Billy Canary is not the campaign manager or a paid staff member of [Governor Riley's] campaign. He is only a friend of the governor." Retta Goss, the press officer for the U.S. Attorney's Office, likewise discounted Defendant Siegelman's accusations, noting that Ms. Canary has not been involved in the case since 2002.

Attorney for the Middle District of Alabama. She's the one prosecuting this case. ... This whole case isn't about a conviction. It's about the election.<sup>2</sup>

Similar allegations have appeared in, among others, The Birmingham News, The Decatur Daily News, and The Anniston Star, as well as posted on various blog sites. (Comp. Exh. 3; Exh. 5)

Receipt of Defendant Siegelman's Proposed Voir Dire Questions filed on April 3, 2006, further confirms his intent to interject his political rhetoric into the trial. Rather than focusing on the facts alleged in the indictment and provided to him in discovery, Defendant Siegelman wants to turn this trial into a circus starring a political fight between Democrats and Republicans. Defendant Siegelman's proposed voir dire seeks to ask potential jurors the following questions:

1. Do any of you believe that some criminal prosecutions are purely political?
2. Do you agree that prosecutions for political reasons are okay?
3. Do any of you have any opinion as to whether or not this prosecution of Governor Siegelman is motivated, at least in part, by politics?

\* \* \*

7. Do any of you believe that criminal investigations, just because they are conducted by a Republican Attorney General's Administration, have any more credibility than had they been Democrats?
8. In a nutshell, do any of you believe that Republicans are any more trustworthy than Democrats?

Shortly after receiving Defendant Siegelman's proposed voir dire, substantiating his desire to interject politics into this trial, the U.S. Attorney's Office received from the Department of Justice, via facsimile, a copy of a Freedom of Information Act (FOIA) request from an Alabaster lawyer,

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<sup>2</sup> The articles clarify that, according to Governor Riley's spokesperson, Mr. Canary has no official role in the governor's campaign. Moreover, it explains that Ms. Canary recused herself from the case in May 2002, eight months after taking office and three years before the federal grand jury returned charges against Siegelman.

John Aaron, seeking information relating to the recusal by U.S. Attorney Leura Canary (Exh. 4). Mr. Aaron's letter is dated February 6, 2006, but was not received by this office until April 6, 2006, and this office was unaware of its existence until then. The FOIA request seeks "information regarding the recusal of Leura Canary, the U.S. Attorney for the Middle District of Alabama . . . in connection with the investigation of state of Alabama's employees or former employees." Although there are no facts in the letter showing Mr. Aaron's ties to the defendants, its timing is suspect and suggests that Mr. Aaron's request is not the product of a curious citizen, but rather an attempt to get information to use at trial.

The FOIA request aside, further proof that Defendant Siegelman plans to interject politics and political argument into this trial is given by his Motion for Issuance of Subpoenas Duces Tecum to Republican Governors Association, Mississippi Band of Choctaw Indians, Capitol Campaign Strategies, and the Republican National State Elections Committee, filed herein on March 17, 2006. The motion sought the issuance of subpoenas for the production of various documents, purportedly for use in impeachment and cross-examination, including but not limited to:

1. Original and amended reports of the Republican Governors Association for calendar year 2002 and any memos in any way concerning contributions to Governor Riley's 2002 gubernatorial campaign;
2. The Mississippi Band of Choctaw Indians' checks and cash transfers to Capitol Campaign Strategies and any memos to, among others, Michael Scanlon and Jack Abramoff relating to past, present or future contributions to the 2002 gubernatorial campaign fund of Governor Bob Riley; and
3. Documents of the Republican National State Elections Committee evidencing contributions to Governor Riley's 2002 gubernatorial campaign.

On April 5, 2006, the Honorable Charles S. Coody, United States Magistrate Judge, entered an order denying defendant Siegelman's motion. Magistrate Judge Coody held that the defendant

had failed to clear the three hurdles to acquiring the subpoena: relevancy, admissibility and specificity. In his Order, however, Magistrate Judge Coody also noted that denial of defendant's motion does not preclude him from issuing trial subpoenas to acquire the same documents. Magistrate Judge Coody's ruling highlights the need for resolution of the issue raised in the instant motion in advance of trial. Magistrate Judge Coody's reasoning is sound; the political arguments are not relevant to the issue of guilt or innocence of the defendants. The arguments are clearly designed only to put the government on trial, mislead and confuse the jury and divert the jurors' attention from the relevant issues in the case, namely, whether the defendants committed the offenses with which they are charged. No rule of evidence justifies allowing the defendant to present these political accusations to the jury.

Despite Magistrate Judge Coody's Order, Defendant Siegelman remains undeterred as to his plan to interject politics into the trial. Yesterday, April 13, 2006, Defendant Siegelman once again petitioned this Court to reconsider Magistrate Judge Coody's Order denying his motion for a subpoena duces tecum. Doc. # 333. Magistrate Judge Coody, upon reconsideration of Defendant Siegelman's request, once again denied his motion for a subpoena duces tecum. Doc. # 346. Defendant Siegelman is simply determined to morph the upcoming proceeding from a trial of public corruption charges into a three ring circus of political hyperbole and grandstanding. This Court should bar any such attempt by Defendant Siegelman, or any other defendant.

As noted in Magistrate Judge Coody's Order, the government's conduct is not at issue in this case or relevant. As explained in *United States v. McVeigh*, 153 F.3d 1166, 1192 (10<sup>th</sup> Cir. 1998), "under our system of criminal justice, the issue submitted to the jury is whether the accused is guilty or not guilty. The jury is not asked to render judgment about non-parties, nor is it normally asked

to render a verdict on the government's investigation.”

The defendant apparently contends that the government is selectively prosecuting him for political reasons. “A selective prosecution claim is not a defense on the merits to the criminal charge itself, but an independent assertion that the prosecutor has brought the charge for reasons forbidden by the Constitution.” *United States v. Armstrong*, 517 U.S. 456, 463 (1996).

The standard for bringing a selective prosecution claim is “a demanding one.” *Id.* A “presumption of regularity” supports prosecutorial decisions and, in the absence of clear and convincing evidence to the contrary, courts presume that prosecutors have properly discharged their official duties. *Id.* Thus, in the ordinary case, so long as the prosecutor has probable cause to believe that the accused committed an offense defined by statute, the decision whether or not to prosecute, and what charge to file, generally rests entirely in his discretion. *Id.*; *see also United States v. Cespedes*, 151 F.3d 1329, 1332 (11<sup>th</sup> Cir. 1998).

As the Eleventh Circuit has recognized, “[t]he reality resulting from limited law enforcement and judicial resources is that not every criminal violation of the United States Code can be prosecuted.” *United States v. Smith*, 231 F.3d 800, 807 (11<sup>th</sup> Cir. 2000). The judiciary can interfere with a prosecutor's exercise of charging discretion only in “narrow circumstances where it is necessary to do so in order to discharge the judicial function of interpreting and applying the Constitution.” *Id.* As the Supreme Court recognized:

Judicial deference to the decisions of these executive officers rests in part on the assessment of the relative competence of prosecutors and courts. Such factors as the strength of the case, the prosecution's general deterrence value, the Government's enforcement priorities, and the case's relationship to the Government's overall enforcement plan are not readily susceptible to the kind of analysis the courts are competent to undertake. It also stems from a concern not to

unnecessarily impair the performance of a core executive constitutional function. Examining the basis of a prosecution delays the criminal proceeding, threatens to chill law enforcement by subjecting the prosecutor's motives and decisionmaking to outside inquiry, and may undermine prosecutorial effectiveness by revealing the Government's enforcement policy.

*Id.* at 808 (quoting *United States v. Armstrong*, 517 U.S. at 465).

While a prosecutor has vast discretion in deciding how and when to prosecute defendants, this discretion is limited by the equal protection component of the Fifth Amendment, which mandates that the decision to prosecute a particular criminal case not be based on an unjustifiable standard such as race, religion or another arbitrary classification, such as a political vendetta. *See United States v. Armstrong*, 517 U.S. 456 (1996); accord *Oyler v. Boles*, 368 U.S. 448 (1962); *United States v. Smith*, 231 F.3d 800 (11<sup>th</sup> Cir. 2000); *Jones v. White*, 992 F.2d 1548 (11<sup>th</sup> Cir. 1993); *United States v. Gordon*, 817 F.2d 1538 (11<sup>th</sup> Cir. 1987). According to the Fourth Circuit, “[a] prosecution also cannot be motivated by a suspect’s exercise of constitutional rights through participation in political activity.” *See United States v. Hastings*, 126 F.3d 310, 313 (4<sup>th</sup> Cir. 1997). Consequently, a prosecution motivated by politics or political activity, if proven as described below, can form the basis of a claim of constitutionally impermissible selective prosecution.

In this case, the defendants, despite their rhetoric and hyperbole, have not even filed a selective prosecution claim. Nor could they. The defendants are simply unable to meet their heavy burden of establishing a selective prosecution claim based on politics or any other grounds. Consequently, the defendants cannot overcome the strong presumption that this prosecution is motivated exclusively by proper considerations. As a result, they should be precluded from interjecting improper issues into the trial, as doing so will only cloud the issues before the jury.

A defendant seeking to establish an impermissibly selective or vindictive prosecution has an onerous burden. He must show both (1) that others who have committed the same acts have not been prosecuted, and (2) that the difference in treatment, or selectivity of the prosecution, was motivated by a discriminatory purpose. *See United States v. Smith*, 231 F.3d at 809 (citing *United States v. Armstrong*, 517 U.S. at 465); *see also Owen v. Wainwright*, 806 F.2d 1519 (11<sup>th</sup> Cir. 1986). In order to prevail on his claim of selective prosecution, the defendant must establish each of these essential elements – discriminatory effect and discriminatory motive – by clear and convincing evidence. *See United States v. Smith*, 231 F.3d at 808. Absent clear and convincing evidence to the contrary, governmental decisions to prosecute are presumed to be motivated exclusively by proper considerations. *See Smith, supra; Hastings*, 126 F.3d at 313.

The Supreme Court has concluded that a defendant is not entitled to discovery from the government on the issue of selective prosecution until he presents proof tending to show the existence of the essential elements of the defense, including a discriminatory effect of the governmental policy as well as a discriminatory intent. *United States v. Quinn*, 123 F.3d 1415 (11<sup>th</sup> Cir. 1997); *see also United States v. Bass*, 122 S. Ct. 2389 (2002)(barring discovery of information about decisions of Department of Justice relating to selection of federal cases to be prosecuted under federal death penalty provisions). Before a defendant can obtain discovery from the government on this issue, he must “produce ‘some evidence’ making ‘a credible showing’ of both discriminatory effect and discriminatory intent.” *Hastings* at 313 (quoting *Armstrong*, 116 S. Ct. at 1488-89). The evidentiary threshold required before discovery is permitted is “a rigorous one, intended to be ‘a significant barrier to the litigation of insubstantial claims.’ ” *Hastings*, 126 F.3d at 314 (quoting



*Armstrong* 231 F.3d at 1486).<sup>3</sup> This exacting burden for discovery of information regarding a selective prosecution claim demonstrates the judiciary's concern about placing its imprimatur on unsubstantiated attacks on charging decisions.

In this case, the only person associated with the prosecutors who is accused of discriminatory motive is U.S. Attorney Leura Canary, and that is premised primarily on her marriage to Billy Canary as opposed to any action or affiliation on her part. Indeed, although it is true that Ms. Canary was appointed U.S. Attorney by a Republican administration, she was first hired as the Civil Chief of the U.S. Attorney's Office by Redding Pitt, a Democratic U.S. Attorney and one of Defendant Siegelman's attorneys in this matter. Before that, she was a Trial Attorney with the U.S. Dept. of Justice, Civil Division in Washington, D.C. Before joining the Justice Department, she was employed as an Assistant Attorney General when Don Siegelman was the State of Alabama's Attorney General.<sup>4</sup> In any event, Ms. Canary has been recused from the case since May 2002.

Former Attorney General, and now United States Circuit Judge Bill Pryor publicly announced the joint state and federal investigation of Defendant Siegelman's administration in June 2001 – months before Ms. Canary was appointed U.S. Attorney. The federal grand jury did not convene in connection with this investigation until June 2004 -- well after Ms. Canary's recusal from the case. She stepped aside from the investigation eight months after taking office and more than three years

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<sup>3</sup> In *Hastings*, the court found that references to Defendant Hastings as "an active Republican" and "someone with connections to certain Republican candidates for office" in investigative notes did not evidence that Hastings' political affiliation was the reason for pursuit of the case against him.

<sup>4</sup> Contrary to Defendant Siegelman's assertions to the press, Ms. Canary was never at any time employed by Republican Attorney General Bill Pryor. These representations are a complete fabrication.

before the federal grand jury returned charges against defendant Siegelman. Louis Franklin, the acting U.S. Attorney in the case, and career employee from the Middle District of Alabama's U.S. Attorney's Office, the Public Integrity Division of the United States Department of Justice in Washington, D.C., and the Alabama Attorney General's Office have jointly made all of the substantive decisions in the case since Ms. Canary's recusal, including the decisions to convene a special grand jury in 2004 and to present charges to that grand jury. None of these individuals have been accused of political motivations by the defendants, either in the case or in the press. Moreover, any claims regarding Ms. Canary's political motivations cannot be imputed to them. *See Hastings*, 126 F.3d at 314 (refusing to impute to prosecutors any improper motivations of investigating agents; "even if there were some evidence of political animus on the part of the IRS's civil or criminal division there is no evidence that the government official who actually made the decision to prosecute the case was motivated by impermissible considerations. We will not impute the unlawful biases of the investigating agents to the persons ultimately responsible for the prosecution"); *see also United States v. Hendricks*, (declining to adopt a theory of "imputed vindictiveness" in assessing a selective prosecution claim); *United States v. Monsoor*, 77 F.3d 1031, 1035 (7<sup>th</sup> Cir. 1996) (holding that "the animus of a referring agency is not, without more, imputed to federal prosecutors"); *United States v. Goulding*, 26 F.3d 656, 662 (7<sup>th</sup> Cir. 1994) (finding that the relevant bias is that of the prosecutors who actually make the decision to prosecute).

In fact, the U.S. Attorney's Office began its investigation in July or August 2001, before Ms. Canary was appointed as the U.S. Attorney (*see* Exh. 5). At the time, Charles Niven, a career DOJ employee, was the interim U.S. Attorney, and Ms. Canary was an Assistant U.S. Attorney in the Civil Division with no involvement in the case. Ms. Canary took office in September 2001 and

stepped aside from the investigation in May 2002 to avoid the appearance of a conflict shortly after Defendant Siegelman's attorneys raised issues about her involvement based on her husband's ties to Republican politics. *Id.*; see also Press Release from U.S. Attorney Canary dated May 16, 2002 (Exh. 6). Ms. Canary voluntarily stepped aside even though federal officials responsible for deciding the recusal issue found no actual conflict arising from her involvement. *Id.* After her recusal, Mr. Niven oversaw the investigation, and Mr. Franklin took over when Mr. Niven retired. (Exh. 5).

Under these facts, Defendant Siegelman and the other defendants simply cannot establish a selective prosecution claim based on their political affiliations or activities, and therefore, should be not permitted to do indirectly at trial through testimony, evidence, and argument, what they cannot do directly. The claim of selective prosecution has only been directed to Ms. Canary, and Ms. Canary's involvement in the case ceased prior to the decisions to convene a special grand jury and seek charges. Notably, none of the defendants has ever moved to dismiss the indictment on the basis of selective prosecution based on political affiliation or activity. It is also insightful that none of the defendants has offered the first jury instruction on the issue of selective prosecution. Unquestionably, the defendants are fully aware that they cannot meet the onerous burden of establishing, by clear and convincing evidence, the elements essential to such a claim, namely, discriminatory effect and discriminatory motive. Nevertheless, their recent filings, in particular Defendant Siegelman's *voir dire*, show that they want to discuss these issues at trial in front of the jury, thus, necessitating this motion.

This motion seeks an order compelling the defendants to leave this issue at the courthouse steps. Though Defendant Siegelman may decide to continue to make these unfounded accusations in the press, this Court should not permit him or any other defendant to voice these allegations at

trial. As Magistrate Judge Coody acknowledged in his April 5 Order, “the government’s conduct is not at issue in this case nor relevant.” *See* April 5, 2006, Order at 3. The defendants have failed to make the government’s conduct “at issue” or “relevant” by presenting evidence to establish the threshold facts needed to raise a selective prosecution claim. Clearly, the defendants’ sole purpose in trying to make politics an issue at trial is to put the government on trial and prejudice, mislead, and confuse the jury. This Court should not permit such action. First, the evidence is not relevant. Second, even if the evidence were somehow relevant, it would unfairly prejudice, mislead and/or confuse the jury and should be excluded under Rule 403 of the Federal Rules of Evidence on the grounds that its probative value is substantially outweighed by the danger of unfair prejudice, confusion of the issues, or misleading the jury.

WHEREFORE, THE PREMISES CONSIDERED, the United States respectfully moves the Court for an Order precluding the defendants, counsel for the defendants, and defendants’ witnesses, from mentioning, referencing, introducing, offering or attempting to introduce or offer any evidence, testimony, or argument that politics played a role in the decision to prosecute these defendants.

Respectfully submitted this the 14th day of April, 2006

LOUIS V. FRANKLIN, SR.  
ACTING UNITED STATES ATTORNEY

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**IN THE UNITED STATES DISTRICT COURT FOR  
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<b>PAUL MICHAEL HAMRICK,</b>	)	
<b>GARY MACK ROBERTS, and</b>	)	
<b>RICHARD M. SCRUSHY</b>	)	

**CERTIFICATE OF SERVICE**

I hereby certify that on April 14, 2006, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all counsel of record.

Respectfully submitted,

LOUIS V. FRANKLIN, SR.  
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## **EXHIBIT 1**



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Mar. 28, 2006

## Former governor visits Prattville

By Lindsay Kelley  
Progress writer

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The streets of Prattville became part of Don Siegelman's campaign trail March 21.

Despite recent legal issues that have kept Siegelman in and out of courtrooms, the former governor is trying to make a comeback.

Still, returning to the political scene has been challenging, especially in the area of fund raising.

"It has been difficult trying to raise money for the campaign," said Siegelman.

Despite the hardships of getting financial backing, the candidate is confident he has supporters.

"Once I win the case, I will win the race," he said.

Siegelman will be heading to court starting May 1 for his latest legal battle.

The current case accuses Siegelman of having direct involvement in a widespread racketeering conspiracy, said Chip Hill, campaign communications director.

Hill said the ordeal should be over before the primary election in June.

Siegelman is no stranger to indictments. In June 2004, he was hauled into court for seven charges conspiracy, health care fraud, theft from federally-funded programs, aiding and abetting, wire fraud, witness tampering and false statements before the court.



Charlie Burkhalter, owner and operator of Prattville Farm Center, visited with Don Siegelman while the former governor was in town campaigning for re-election. Despite recent legal troubles, Siegelman is continuing his run for the governor's office.

— Photos by Lindsay Kelly, Progress

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These charges were dropped due to lack of evidence, said Hill.

The 2004 and current indictments involve questionable funding provided by Richard Scrushy, former HealthSouth CEO.

According to Siegelman, the charges are not only bogus; but also a direct attack on his campaign.

Siegelman alleges that Gov. Bob Riley is behind the indictment.

"The marriage between Riley's campaign manager, Billy Canary, and the U.S. attorney, Leura Garrett Canary, has provided Riley the means to try to sabotage this campaign," said Siegelman.

Siegelman's allegations, however, have no basis and are full of false statements, according to Josh Blades, Riley's campaign spokesman.

"Billy Canary is not the campaign manager or a paid staff member of this campaign," said Blades. "He is only a friend of the governor."



Naticia Hall visited with Siegelman at the Autauga County Courthouse. Hall is the secretary for the Autauga County Commission.

Retta Goss, press officer for the U.S. Attorney's Office, also said Siegelman's statements are untruthful.

"Leura Canary hasn't been on this case since 2002," Goss said.

Louis V. Franklin Sr. is the acting U.S. Attorney for the case, as signed on the indictment.

With the lawsuit hovering, Siegelman is putting energy into his campaign.

He said he would be visiting all county courthouses seeking support. March 21, his campaigning led him to Autauga County.

Siegelman passed out bumper stickers with the slogan, "I'd rather have Don's lottery than Bob and Lucy's taxes."

The lottery, a controversial proposal that flopped during his last term, is one of Siegelman's big plans for Alabama if re-elected.

Siegelman said his lottery would fund education.

"Buying a lottery ticket would be the same as giving \$1 to buy a raffle ticket to help a marching band," he said.

Siegelman also said he felt that commercials and negative advertisements deceived the public about the lottery years ago, causing them to refuse his previous lottery proposal.

However, Siegelman said he has uncovered the root of the criticisms.

"People thought the ads were coming from the Christian Coalitions, but they were misled," he said. "Indian casino owners in Mississippi were responsible for funding the ads. We didn't catch them at the time because they floated the money from accounts out of Georgia."

Siegelman said this go around, his team is prepared to watch for this type of funding.

"We are more alert now and will catch money coming from the Indians," he said.

In addition, Siegelman said he felt people have become more tolerant of gambling.

"People realize there are lotteries all over the United States," he said.

He said this new acceptance would allow the lottery to be implemented to fund education, including college scholarships and a salary increase for teachers.

A lottery is not all Siegelman has up his sleeves.

The former governor said he would continue his previous crusade of molding Alabama into a leader in the automotive industry.

Siegelman shared his disappointment with the recent announcement of Kia to build a plant in Georgia.

"When I left office, I had the deal with Kia already set up," Siegelman said. "Riley was handed that deal on a silver platter and lost it. We can't afford to lose the easy ones. His loss cost Alabama between 12,000 and 14,000 jobs."

Mong-Koo Chung, CEO of the Hyundai and Kia group, is denying the deal that Siegelman claims to have made.

"Chairman Chung made no comments to reflect a deal to bring Kia to Alabama," said Kathy Johnson, assistant manager of public relations.

When asked to name other automotive companies he would lure into Alabama, Siegelman did not have an answer.

Siegelman did, however, claim that he would work with city mayors and county commissioners to make cities appear more attractive to big businesses.

He said he would work with "prosperity districts," areas like downtown Prattville.

"Mayors and commissioners have a vision of how they would like their areas to look," he said. "Riley has ignored their visions. I will help put street lighting and things to provide prosperity in inner cities. I want to see a place where people can go and get a bite to eat, do some shopping at an antique store or clothing shop, get a prescription filled and feel safe."

The renovations Siegelman described have been an ongoing project for Prattville. And with the project almost complete, Mayor Jim Byard said no governor has ignored his visions.

"Riley just approved to give Prattville a grant for \$310,000 to complete our creekside project," he said. "We will be receiving the check sometime in April."


Siegelman said that providing his described atmosphere filled with flourishing small businesses would be important in providing future economic growth.

"If CEOs get a good feel for a place, they will feel good about going into that community with their big companies," he said.

Siegelman also provided advice to voters.

According to Siegelman, there are three things to look for in a candidate leadership, trust and negotiation skills.

Siegelman said voters should go beyond political party lines when choosing a candidate.

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## **EXHIBIT 2**

## CLANTON ADVERTISER

### Siegelman campaign comes to Clanton

*By Jason Cannon*

*Thursday, March 30, 2006 10:42 PM CST*

Democratic Gubernatorial hopeful Don Siegelman's campaign trail took a detour through Chilton County yesterday. By the end of the day the campaign trail turned more into a walking trail as Siegelman continued his meet-the-public trek through what he calls "small town Alabama."

"I love small towns like this," he said. "I can identify with it. I feel more at home there."

Siegelman said one of the things that lends itself favorably to small towns is that as a public administrator, he said he feels more able to help them grow.

"Big cities like Birmingham and Montgomery, they're pretty self-sufficient," he said. "We can help procure some major road construction grant or something like that, but you're able to make such a greater impact in a small town with what you're able to provide."

Siegelman's campaign trail has been littered with a few potholes, namely his upcoming trial in which he faces racketeering and bribery charges. He is scheduled to go to trial May 1, but that hasn't slowed his optimistic, aggressive campaigning.

"With God's grace we'll win the case and with the help of (the Chilton County Democratic Club) we'll win the race," he said.

Siegelman didn't have to look far to find who he feels is the culprit for his legal woes. The responsibility, he claims, currently resides in the governor's mansion with the man who beat Siegelman in the closest election in the state's history.

"First of all, this case was started by Bob Riley's campaign manager's wife," he said. "His campaign manager was Bill Canary and his wife is Leura Canary, who is the U.S. Attorney for the Middle District of Alabama. She's the one prosecuting this case." While Bill Canary is a prominent Alabama Republican, Riley spokesperson Josh Blades said he has no official role in the governor's campaign. Leura Canary withdrew from the case in May 2002, eight months after taking office and three years before a federal grand jury returned charges against Siegelman.

Aside from Canary's alleged involvement, Siegelman also questioned the timing of the indictment.

"Why wait until just before the 2006 election to bring charges of something that supposedly happened in 1997, 1998 or 1999," he asked. "This whole case isn't about a conviction. It's about the election." Once the courtroom drama is behind him, Siegelman said he was looking forward to what he hopes is another term as Alabama's governor.

With four years out of office, he said he's had plenty of time to formulate ways that would improve the quality of life in our state, including bringing more and new jobs to Alabama and doing more to ensure senior citizens' rights. He said he would also like to see the automotive manufacturing boom return to the state.

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## **EXHIBIT 3**



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## STATE

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### Siegelman cuts Baxley's lead in poll as state's Democrats ponder future strategies

By Brian Lyman  
Star Capitol Correspondent  
03-05-2006

#### MONTGOMERY

The outcome of the Democratic gubernatorial primary should seem obvious.

Former Gov. Don Siegelman faces trial in May for charges of influence peddling during his 1999 to 2003 term. Of the four major party candidates, Siegelman has raised the least amount of money. At the end of January he reported having \$342,000 for his campaign — \$300,000 of which was a loan from his brother.

Lt. Gov. Lucy Baxley, meanwhile, has \$1.2 million in her campaign account, name recognition almost equal to Siegelman's, and the support of the Democratic establishment.

But the latest Mobile Register/University of South Alabama poll, released last month, showed that Siegelman had cut what had been a 16-point lead for Baxley to a three-point lead.

Baxley campaign spokesman Jimmy DeButts said her campaign sees the poll as a "snapshot" that does not indicate how Democrats will vote in the June 6 primary. Siegelman also dismisses the poll results, saying his campaigning has made him feel that "we're substantially ahead."

But political observers say Siegelman's surge can be attributed to the ex-governor's traditional strength among black voters, Baxley's limited ability to campaign while the Legislature is in session, and the former governor's name being in the news because of his impending trial.

Additionally, said David Lanoue, chairman of the political science department at the University of Alabama, Baxley hasn't quite explained



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to voters what defines her, compared with any of the other candidates in the race. She has a "reservoir of goodwill," he said, as her "We Love Lucy" campaign slogan suggests, but affection won't be enough.

"She needs to be careful not to turn her campaign slogan into a curse," he said. "In the end, you don't become governor because everyone loves you. At some point, you have to risk a portion of that goodwill in order to become a good candidate. If not against Don Siegelman, certainly against Bob Riley."

Baxley may have an easier time in the general election than Siegelman would, but either candidate faces a tough struggle against an incumbent governor with a strong state economy to call on.

Experts say that a Democratic loss in this election would not be a deathblow to the party, but that new faces are needed to lead the party in a state that has begun trending Republican in state elections. In last week's special election for the House District 31 seat, held by Democrat Jack Venable until his death last year, Republican Barry Mask trounced his opponent with nearly 60 percent of the vote.

"You're seeing what we've been seeing all over the South, a trending to Republicans that starts at the top and permeates through the local levels," Lanoue said.

"If Lucy Baxley or Don Siegelman can't break through this time, it may be that the Democrats' prospects are worse four years down the line."

Poll data

The Register/USA poll, conducted between Feb. 9 and Feb. 16, showed 37 percent of likely voters choosing Baxley, 34 percent choosing Siegelman, and 29 percent undecided. The racial divide among likely voters was sharp: Siegelman was favored by black voters 48 to 22 percent, while Baxley won white voters 49 to 25 percent.

Siegelman has been campaigning hard for the nomination, but William Stewart, a political science professor emeritus at the University of Alabama, said Siegelman's surge has more to do with Baxley's lack of campaigning than his political overdrive.

"Obviously, he has been campaigning, but it's been a low-key type of campaign," Stewart said. "I think the fact is, she hasn't defined herself enough, and people are going back to Siegelman."

Baxley did seem to take a step in that direction Thursday, announcing a "Military Bill of Rights" that would provide a state death benefit for soldiers' families, pay for Veterans' Home Care and provide assistance in areas where the federal government has cut veterans' benefit.

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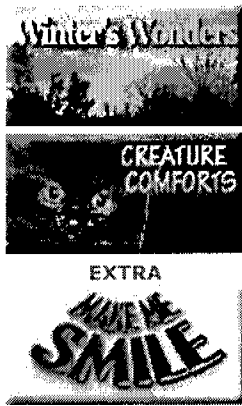
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DeButts, Baxley's campaign spokesman, said the campaign "needs to do a better job articulating" Baxley's platform. But he argued that Baxley's duties presiding over the state Senate have prevented her from matching Siegelman's efforts on the stump.

"He's done a wonderful job of keeping his name in the media," DeButts said. "As far as I know, he doesn't have a full-time job, and he's been able to get his name in the paper."

In an interview Friday afternoon, Siegelman virtually ignored Baxley and spoke as if he was campaigning against Riley.

"Riley is the governor now, and the people of Alabama need to fire him," Siegelman said. "Because he hasn't done the job. He's not a governor we can trust. He said he wasn't going to raise our taxes, and then raised him."

The Baxley campaign plans a "major push" after the Legislature adjourns in April, and it could get a boost in May if Siegelman becomes tied up in his trial.

But Baxley's campaign and other political experts expect Siegelman to campaign on the steps of the courthouse. Since his indictment last October, Siegelman has claimed that the trial is "politically motivated," noting that Bill Canary, husband of U.S. Attorney Leura Canary, has campaign connections to Riley.

"The people of Alabama have figured this out," Siegelman said. "They know where these so-called charges are coming from. I think they understand this is not about conviction, but about the election."

Leura Canary initially worked on Siegelman's case but recused herself in 2002, and Riley has dismissed Siegelman's charges. But playing up those attitudes could further enhance Siegelman's traditionally strong showing among African-American voters.

"The concept of selective prosecution, they're real familiar with," said Natalie Davis, a political science professor at Birmingham-Southern College. "(But) I don't think it's a positive. Should he emerge from the trial with an acquittal, boy is he positioned to come back."

#### November Rain

Whoever emerges as the winner of the June 6 primary -- or a June 27 runoff, if needed -- will face a formidable test. Riley has his incumbency, a strong economy, and, as of Jan. 31, a \$4.5 million campaign account -- more than four times what Baxley, his closest opponent, has raised.

A Rasmussen Reports poll released Feb. 27 showed Riley leading Baxley

50 percent to 37 percent. (The Mobile Register/University of South Alabama poll had Riley at 45 percent and Baxley at 36 percent.)

Strategies to eliminate those gaps are hard to come by. While it's likely that Democrats will hammer Riley on his 2003 Amendment 1 proposal — which would have raised taxes, mainly on the wealthy, by \$1.2 billion — experts are not sure that will be effective. Davis convened a focus group in Vestavia last year, and asked how many of the 11 people present planned to vote for Riley. All raised their hands. When she asked how many voted against Amendment 1, two-thirds raised their hands.

“So (I said), ‘Explain to me how you vote for a guy who wanted to raise taxes more than anyone in the state,’” she said. “And they responded, ‘Well, he learned his lesson. He’s a good man. He didn’t mope around and say “woe is me.” He just got on with it.’ There’s a lot of forgive and forget.”

Lanoue is blunter. “I don’t see a winning strategy at this point,” he said. “They would have to bank on developments between the primary and the general election to win the election.”

2010 and beyond

Baxley would probably bounce back from a defeat better than Siegelman would, but Lanoue, Stewart and Davis all say that the Democratic Party in Alabama needs to find fresh faces and reassess its election strategies.

Democrats in a statewide race usually count on winning most, if not all, of the African-American votes, while aiming for about 40 percent of the white vote. Davis argues that Democrats need to abandon this racial strategy and make an appeal to working-class voters, particularly white working-class women.

“They have been woefully inept at strategies that would capture that vote,” she said. “Until Democrats can get the white woman who runs the cash register at Wal-Mart to vote Democratic, they can’t win. That’s their challenge.”

Stewart, meanwhile, argues that the Democrats need to find fresh faces to replace the aging names that have led the party to this point.

“It shows they need to get a new generation of candidates,” he said. “They need to recruit bright young men and women to run for the House on Democratic tickets.”

Some already have expressed interest. Seventh District U.S. Rep. Artur Davis, D-Birmingham, has said he would consider running for senator in 2008 against Republican incumbent Jeff Sessions, or in the governor’s race in 2010.

But the need to look ahead does not mean the Democrats should write off 2006, Stewart said. Despite Riley's advantages, Baxley has stayed competitive in the race.

"The big story is just how close Baxley is to Riley," he said. "The fact she's still in striking distance of a governor who's presided over a successful economy, that tells me a couple of things. It tells me there's a strong core of Democratic support that any Democratic nominee will enjoy. The second thing it tells me is, Riley hasn't reclaimed all the ground he lost from 2003, when he proposed the tax increase."

If Baxley articulates strong positions, Lanoue said, she could run strong. "The lack of definition is hurting her now, but there's enough time to make that up," he said. "And there's little evidence that anyone dislikes her."

#### About Brian Lyman

Brian Lyman is the Star's capital correspondent. He reports from Montgomery.

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## EDITORIALS

### Searching for voters

**In our opinion**  
**03-29-2006**

So far this campaign season has generated about as much interest as a good grass-growing contest. With the primaries a little over two months away, most of the candidates are yet to find that elusive issue that will excite the public.

Conventional wisdom says that gubernatorial candidate Lucy Baxley, who is currently lieutenant governor, will wait until the legislative session is over so she can point to what she has done and what Republicans kept her from doing, then use that to focus the spotlight on her campaign. However, this has been a session with more consensus than controversy, which does not give Baxley much to work with.

This also leaves Baxley's Democratic opponent with little to say about the lieutenant governor, but in a campaign where his own conduct will sooner or later be an issue, former governor Don Siegelman has other fish to fry. Faced with well-publicized legal troubles, he is doing all he can to blame his problems on the man he hopes to be running against in the fall.

But Siegelman's assertion that the criminal charges he faces were brought by the "wife of Bob Riley's campaign manager" simply does not hold water. True, U. S. Attorney Leura Garrett Canary is the wife of prominent Republican Bill Canary, but Mrs. Canary withdrew from the case nearly four years ago, and though Mr. Canary is a close friend of the governor, he is has no official role in the Riley campaign.

You can always tell that an assertion is falling flat when the person doing the asserting says that the charge is "technically correct" — which is what the Siegelman campaign is doing here. It would be better for us all if candidates would just stick with the "correct" and avoid the technicalities.

Meanwhile, defrocked chief justice Roy Moore, unable to generate much excitement with his high-minded refusal to accept PAC money (has any been offered?), drifted off into conspiracy theories when he wondered at the "strange coincidence" that mad cow disease was discovered in the state just when legislators were considering setting up an animal-



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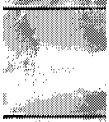
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identification system. (Did he also notice that Alabama debated making the peach our state fruit just when Georgia was getting a new auto plant and we weren't?).

Maybe Moore is trying to patch up things with anti-identification small farmers whom the candidate said last week were not capable of casting an intelligent ballot on the issue of constitutional reform. Or maybe he is just exhibiting signs of another malady — hoof-in-mouth disease.

Perhaps we need a politician-tracking system.

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SUNDAY, MARCH 26, 2006

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## Siegelman pounds Riley for not getting Kia plant

By Martin Burkey  
DAILY Staff Writer  
[mburkey@decaturdaily.com](mailto:mburkey@decaturdaily.com) · 340-2441

If he had been governor, Alabama would have gotten the Kia plant that went to Georgia, former and would-be-next Gov. Don Siegelman told supporters in Decatur on Saturday.

"I guarantee we'd have Kia — no ifs, ands or buts," Siegelman said.

"The only thing Bob Riley can claim is losing Kia," he said of the present governor, who ousted him in the 2002 election. "Bob Riley is a show horse, not a workhorse. I handed him Kia on a silver platter. Bob Riley never lifted a finger to close that deal."

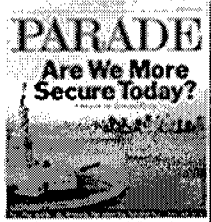
An automotive trade magazine reported last year that Decatur was under consideration for a Kia Motors Corp. plant. Kia announced this month that it would build a \$1.2 billion plant in West Point, Ga., near the Alabama line, creating almost 5,500 jobs.

Siegelman said he brought five auto plants to Alabama and started 1,000 school construction projects to get children out of portable classrooms. As lieutenant governor, he said, he steered the incentive package for Boeing's Decatur plant through the Legislature.

One of those five auto plants is a Hyundai factory in Montgomery. He said it could have been followed by an Alabama plant for Hyundai subsidiary Kia.

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Siegelman spoke to the Alabama Associated Press Broadcasters Association in Huntsville on Saturday morning.

He campaigned along Bank Street and met with about 20 supporters at the Country Inn & Suites in the afternoon to discuss "the case and the race."

Democrat Siegelman, 60, kicked off his campaign this month, but he's been running for months.

In Decatur, he continued to ignore Democratic contender Lucy Baxley and Republican Roy Moore and hammer on Republican Gov. Riley's record.

Siegelman said the racketeering and bribery indictment against him by a federal grand jury was orchestrated by Riley's "campaign manager's wife," Leura Canary, the U.S. attorney in Montgomery.

He said he's not the slightest bit concerned about winning in a trial now set for May, but he added that it has derailed his fundraising effort.

"In the entire 44-page indictment, there's not a sentence saying I put a penny in my pocket," he said. "This case is about an election, not a conviction."

Riley's promised tax cut now, following his effort to raise taxes by \$1.2 billion in 2003, "is like Tony Soprano (a television mobster) talking about law and order," Siegelman said.

Riley's proposed tax relief amounts to less than 10 cents a day to every person in the state, Siegelman said.

He said he'd rather invest that money in education.

Siegelman also told local supporters that he supports efforts to rejuvenate smaller communities such as Hartselle with "prosperity districts," to create a state preschool program, and to revamp high school vocational education programs.

He also said he would push for a state lottery, defeated in a statewide referendum in his first term in 1999, as a way to provide \$800 million to \$1 billion per year for a college scholarship program.

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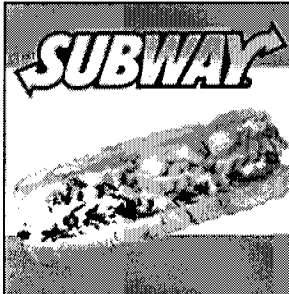
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Thursday, April 6, 2006



## NEWS

Updated: Thursday,

### Siegelman: We are going to win the race, the case

By Laura McAlister

Don Siegelman has a platform for his campaign for governor, and it's not just about trial. However, he is quick to say, "The case is the race."

The former governor's campaign trail took him to Tallapoosa County Thursday, where both courthouses and stopped through small communities to introduce himself and potential voters.

While he has plans to bring back his education lottery and draw industry to rural coreelected, his May 1 trial seems to overshadow most of his campaign.

It's not a "Republican plot," Siegelman said, but he does say the charges saying he and gifts in exchange for public action stem from Gov. Bob Riley's campaign.

"I never said it was a Republican plot or conspiracy," Siegelman said. "I simply said the Bob Riley campaign. His campaign manager was the husband of the U.S. attorney

U.S. Attorney Leura Canary is the wife of Bill Canary, who was Riley's campaign manager the investigation on Siegelman started.

Riley's campaign dismissed Siegelman's accusations. Josh Blades, campaign spokesman said the claims are "ridiculous."

"We usually don't comment when a case is ongoing, but we will say this is ridiculous Siegelman knows it," Blades said. "It's just a bunch of silliness."

But Siegelman has continued to campaign on "The case is the race."

He didn't mention his opponent, Lt. Gov. Lucy Baxley, in the June 6 primary. Instead on Riley, referring to him as "Billion dollar Bob."

He criticized the governor's use of the surplus in the education budget, saying it was \$1 billion surplus, and if he were still in the office, that money would have gone to things that were cut, like programs for autistic children.

Siegelman also said if elected again, he would return to appraising property every five years. Riley moved to annual appraisals shortly after the failure of his \$1.2 billion tax and revenue plan.

He said the governor is promising a tax cut this year that doesn't begin to make up the increase Riley instated when he moved to annual appraisals.

With the June primaries just months away and his trial date quickly approaching, Siegelman is spending much of his time on the road campaigning keeping the case and the race at the top of the news. In the end, he says he'll win both.

"We're traveling the state talking about the case and the race," he said. "Why'd they wait until 2006 (to file charges)? The actions happened in 1997, 98 and 99. There's a 44 page indictment and there's not one thing accusing me of putting one penny in my pocket, but if I were in your shoes I'd be afraid to face me too."

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**March 05, 2006**

**Don Siegelman Kicks Off Race for Governor in Birmingham**

**by Glynn Wilson**

BIRMINGHAM, Ala. - Former Alabama Gov. Don Siegelman kicked off his campaign for the Democratic Party's nomination for governor on Sunday at a ritzy suburban shopping mall off Highway 280 near Mountain Brook.



Photo by Glynn Wilson

Former Alabama Gov. Don Siegelman kicks off his fourth campaign for governor in Birmingham

About 100 people showed up to see the former governor and hear what he had to say, and to share some birthday cake. He turned 60 a couple of weeks ago.

There was no bar or food of any kind, only Pepsi, an indication of a sparse campaign hampered by a federal indictment, which has made it hard to raise money and cast doubt on his ability to win the primary, the general election or serve if elected.

Siegelman kicked off his presentation by attacking Republican fixer Bill Canary, the president of the Business Council of Alabama, whose wife is the U.S. attorney in Montgomery who brought the indictment against him and deposed HealthSouth founder Richard Scrushy, ostensibly for exchanging lottery campaign money for a position on a state hospital board.

Siegelman and Scrushy have denied the accusations of a *quid pro quo* and Siegelman dismisses the charges as "political."

"It's one of the strangest series of coincidences in the history of American politics," Siegelman said.

In 1994, Canary worked on judicial races in Alabama with GOP political operative Karl Rove, now famous for orchestrating the election and re-election of George W. Bush as president in 2000 and 2004.

In 1998, Canary and Rove ran the campaign of former Attorney General William Pryor, who now sits on the federal circuit court of appeals in Atlanta thanks to a recess appointment from Bush,

which bypassed the U.S. Senate's confirmation process.

Canary also helped U.S. Attorney Alice Martin with her campaign for the criminal court of appeals, according to Siegelman's campaign literature. After she lost that race, Bush appointed Martin to the U.S. attorneys office in Birmingham, where she presided over the failed prosecutions of Scrushy and Siegelman.

In 2001, Bush appointed Canary's wife Leura as U.S. attorney in Montgomery. She empaneled a grand jury in 2003 and indicted Siegelman in 2005, just in time for the political primaries in Alabama to kick off in earnest.

Canary, now president of the Business Council of Alabama, also helped Bob Riley in his last run for Congress.

"Can it possibly be a coincidence that a man who is Bob Riley's top political consultant, who is known as a Republican fixer, has this many incidental connections to people who have sought my destruction?" Siegelman asked.

As for a platform, Siegelman said he was not going to run simply on the record of what he accomplished in his one term as governor from 1999-2003. He highlighted his first campaign promise in 1998 to get rid of the portable classrooms at the state's public schools. That feat was largely accomplished, even though the statewide lottery he proposed to pay for it failed at the polls.

"This election is not about what I did, but what we are going to do about Bob Riley's portable classrooms, popping up like mushrooms all over the state," Siegelman said to the most robust cheers and applause of the day. He spoke without notes for about 20 minutes.

He accused Riley of missing a number of important opportunities to lure more industry to the state, and he promised to be the education governor who would stand up for the public school system, to lead the effort to rewrite Alabama's outdated and racist Constitution, to "do more for seniors," and to once again push for a statewide lottery.

Siegelman never mentioned his primary opponent, Lt. Gov. Lucy Baxley, who has largely avoided directly attacking Siegelman, except to suggest her campaign will not be marred by indictments.

Siegelman was introduced after a prayer by Cullman car dealer Mitch Smith, who said he has known Don a long time and loves him like a brother.

"I do not know of another person more qualified to be governor of Alabama than Don Siegelman," he said.

#### **Links**

[AP: Siegelman Kicks Off Campaign for Governor, Targeting Riley](#)

[AP: Don Siegelman's Bio](#)

[Siegelman Campaign Online](#)

Posted by Glynn Wilson at March 5, 2006 04:19 PM

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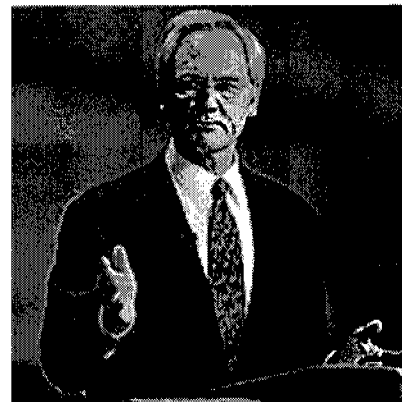
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MONDAY, JANUARY 30, 2006

## Guest Blog by Siegelman Aide Chip Hill

(This is a guest blog written by "Siegelman 2006" Communications Director Chip Hill. The views expressed are those of Hill and not necessarily those of the publisher of AlabamaElections. Hill's contact information is available at [Siegelman 2006](#).)



Bill Canary is the husband of the US Attorney, Leura Canary. His bio is available online and while I won't list it in detail, you will see that he has been a GOP operative at the highest levels since the late 80's, a key Lieutenant to Karl Rove in Alabama court races in the 90's, former Chief of Staff to the Republican National Committee, and National Field Director for the Bush/Quayle Campaign.

The following citations are interesting:

"William Canary later joined the Riley campaign and now serves as BCA president."

[Southern trilogy: how Republicans captured governorships in Georgia, South Carolina and Alabama - Case Studies



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[Campaigns & Elections, June, 2003](#) by [David Beile](#)]

"Canary prides himself on being a well-connected Republican strategist. He has no patience with Democrats at any level. He is wired into Riley policy-making, and as it stands now, he likely will be a cheerleader for Riley to seek a second term." [Business Alabama, Ford, Apr. 2004]

"BCA President Bill Canary, who sees himself as a Riley adviser, is unlikely to allow the BCA to abandon Riley if he wants a second term" [Business Alabama, Ford, August 2004]

"Bill Canary is a political paratrooper," said former RNC Chairman Bob Dole. "If you've got a problem that needs fixing, you drop him in and get it fixed." [TIME, Cramer, 3/27/95]

Federal Election Disclosure forms and filings in the Secretary of State's office show that Bill Canary received 40,000 from Bill Pryor to be his political consultant in 1998. Almost immediately after taking office Pryor began investigating Siegelman. In 2001 Canary received 38,000 from Windom to be his consultant in the 2002 Governor's race. Windom ran exclusively on calling for investigation of Siegelman. After her failure for the Court of Criminal Appeals, Alice Martin received multiple payments from Bill Canary's Capitol Group PAC. Martin then became Attorney, Northern District in 2001 and later indicted Siegelman. And we know that Leura Canary worked for Pryor from 1999-2001, became US Attorney in 2001 and later indicted Siegelman.

Other interesting research has come to light.

Department Of Justice rules of conduct outline the specific steps an Attorney must take regarding any possible conflict of interest. The recusal must be done immediately after conflict is discovered.

We know that US Attorney Leura Canary only submitted recusal paperwork after Siegelman Attorney David Cromwell Johnson's press conference in March of 2002. Then two months after the press conference she "voluntarily recused herself."

The questions are: If these possible conflicts existed two months after she was outed, did they not exist at the outset of her office's investigation? And, did her recusal paperwork accurately reflect all conflicts (i.e. Pryor's payment to her husband, Windom's payment



husband, Her husband's payments to Alice Martin). In other words she admit that her husband was financially tied to everyone who ha investigated, called for investigations, or indicted Don Siegelman?

Any conflict she reported after Johnson's press conference was alre existence at the outset which, under doj rules, required her to recus herself up front, which we know she did not.

Also, is it not a valid question to ask if the GJ would have interpret testimony and evidence differently had they been made aware of th that the US Attorney's husband was financially linked to everyone v had furthered the investigation of Don Siegelman?

Does the fact that the GJ was not made aware of these conflicts not into question the validity of the indictments?

Sure Louis Franklin's name is on the indictment, but for them to continually use her "recusal" to excuse all this, is like saying that a newspaper editor has nothing to do with a story because his name i on the byline. It's asinine.

---

posted by PoliSciZac | 7:33 AM

# **Don Siegelman's blog**

## **Siegelman for Governor**

**March 27, 2006**

### **One End of Alabama to the Other**

Governor Siegelman maintained his incredible pace of campaigning this weekend as he began in the Northern most parts of Alabama and ended in Houston County.

In Huntsville Saturday, Governor Siegelman participated in a candidate's forum hosted by the Associated Press Broadcasters Association. Both Governor Siegelman and Lucy Baxley were there and you all would have been very proud of the Governor's presentation. He dissected the case in great detail, reminding those in attendance that the charges against him were trumped up and brought by the US Attorney who is the wife of Bob Riley's campaign manager. Governor Siegelman then went on to outline his "Prosperity Plan for the People of Alabama."

His opponent didn't fair so well. At one point, she stopped her hesitant comments and told those in attendance that she was "nervous giving a speech for the first time in her life."

From Huntsville, it was off to Decatur for a regional organizational meeting. What a great turnout! Once again, the Governor sat with supporters and again went into great detail of how we are going to win the case and the race. Many great new contacts were made and our corps of committed troops grew yet again. After leaving Huntsville, we visited Eva and spent a good portion of the late afternoon meeting folks at a local supermarket. The Governor was invited by many he met to personally put a Siegelman bumper sticker on their cars.

From Eva, we headed South, and stopped at International Paper for a 10:30 pm shift change. The hard working men and women of this state are always very excited to see Governor Siegelman. After leaving IP, the team went down to Dothan where after a few hours sleep, the Governor met with local church leaders and attended church services Sunday morning. Sunday afternoon was spent at another Regional Organizational Meeting where we were reminded of just how strong our support is in the southern part of the state.

Posted by Siegelman for Governor at 14:49 in Campaign Trail | [Link](#) | [Comments \(0\)](#)

**March 24, 2006**

### **Meeting and Greeting**

Governor Siegelman went to Etowah County for a meeting on Friday night. It turned out to be much more than just one meeting. The Governor stopped at the Walmart to make a purchase, and we ended up staying there for almost 30 minutes. People came up to him and asked if he was still for the lottery. He would offer them the bumper sticker that says "I rather have Don's Lottery than Bob and Lucy's Taxes." The response to this message has been unbelievable. We ended up sending someone back to the car to get more bumper stickers because the ones he had were quickly snapped up by the appreciative folks.

We next stopped at the Goodyear plant for the 7:00 p.m. shift change. Governor Siegelman was able to meet and shake hands with the second and third shift. We met a bunch of great people and gave out over 300 bumper stickers, but boy it was cold. It was nice to go to the meeting that was inside. Governor talked to the Etowah Voters League Candidate Forum. It was great to see the number of fine local Democratic candidates.

It was a good trip that turned into great trip. See you on the campaign trail.

Posted by Siegelman for Governor at 16:04 in [Campaign Trail](#) | [Link](#) | [Comments \(0\)](#)

**March 23, 2006**

### **Driving Riding and Talking**

Thursday was a busy day. In Tallapoosa county, we visited both Courthouses in Dadeville and Alex City. We spent time in the town squares talking to the hardworking men and women who keep Tallapoosa County moving.

One part of Governor Siegelman's economic plan is to have the state provide the resources to the local leaders to help revitalize the county squares and small town centers. This will attract businesses, large and small, to our small towns and county seats.

Later, Thursday night we held our organization meeting in Alexander City. Governor Siegelman talked with local volunteers about the Case and the Race, and listened to their concerns about local issues.

If all of us work as hard as Governor Siegelman then we will win this case and race running away.

Posted by Siegelman for Governor at 23:55 in [Campaign Trail](#) | [Link](#) | [Comments \(0\)](#)

**March 22, 2006**

### **On the Campaign Trail with Gov. Siegelman**

MIKE CASON

## News staff writer

HATCHECHUBBEE - Jimmy Adams' hilltop farm in Russell County offers a view of sprawling, green countryside and a decidedly Democratic slant on state politics.

Here, the criminal case against former Gov. Don Siegelman is dismissed as a Republican plot. Here, many of those enjoying a Saturday afternoon barbecue say Siegelman can beat both the prosecutors and his campaign rivals and reclaim the state's top office.

"I believe people believe him," said Carole Trawick, a cashier at Rainbow Food in Phenix City. "Anybody with a little bit of common sense will see the plot that's been plotted against him. I'll work any way I can for Don Siegelman."

With his May 1 trial and the June 6 Democratic primary for governor fast approaching, Siegelman uses every public appearance to talk about, as he says, "the case and the race."

Siegelman, 60, blames his indictment by a federal grand jury on a Republican conspiracy, an allegation he first made when news of an investigation surfaced four years ago, during the last campaign.

He doesn't talk about Lt. Gov. Lucy Baxley or his other rivals for the Democratic nomination, but aims his verbal assaults at Gov. Bob Riley, as if assuming he'll win the primary and get another crack at the Republican who unseated him by 3,120 votes in 2002, a margin of about one-quarter of a percentage point.

"This guy is a showhorse, not a workhorse," Siegelman says.

Four years ago, Siegelman was an incumbent who spent more than \$10 million in his campaign and still lost to Riley.

Since then, he's been mostly out of the spotlight except for two federal indictments, one of which - accusing him of health-care fraud and conspiracy - prosecutors dropped after a judge dismissed most of their case. In the current case, Siegelman has pleaded not guilty to charges that he took money and gifts in exchange for official actions while he was governor and lieutenant governor.

Siegelman admits it's hard to raise money while under indictment. He barely raised \$100,000, aside from a \$300,000 loan from his brother, according to his Jan. 31 campaign finance report.

## Supporters remain:

Those circumstances, starkly different from 2002, don't seem to matter at events such as Adams' barbecue. Old allies who have backed Siegelman in some or all of his seven previous runs for statewide office, five of which he won, say their confidence is unshaken.

Barbecue-host Adams, who lives on 80 scenic acres about 20 miles west of Phenix City, described how a Siegelman victory could unfold.

"One-on-one, he can beat Lucy," Adams said. "He needs to keep her from getting 50 percent and get into a runoff. By then, hopefully, this mess in the courtroom will be over."

Adams is a member of the Russell County Board of Registrars, part-time rodeo announcer and part-time Montgomery lobbyist. He said he'll support Baxley if she wins the nomination, but thinks Siegelman is the only Democrat who could win in November.

"I don't think he has lost any Democratic support from the last election to this election," Adams said.

The former governor, wearing a denim, open-neck shirt, delivered a 20-minute speech while standing on a flatbed trailer hitched to a Chevy pickup. But he spent most of his time talking face-to-face, mingling through the crowd of about 100 who sipped soft drinks and beer while 160 pounds of pork sizzled on a trailer-mounted grill.

Siegelman said events such as the barbecue are a good way to recruit volunteers and get people to spread the word.

"Talk - that's all we're asking them to do," Siegelman said. "Talk to their friends and family."

Campaign volunteers receive a list of what they can do to help the cause, such as speaking to clubs and church groups, sending e-mails, writing to newspapers, displaying bumper stickers and telling friends to vote. Volunteers also get a "fact sheet" intended to show that Siegelman's indictment is meritless.

"We need people to contact their friends and help spread the message about this false indictment," said Chip Hill, a spokesman for the Siegelman campaign.

### **Questions the timing:**

Jury selection is scheduled to begin in federal court in Montgomery on April 19. Hill expects the trial to conclude before the primary. He said the trial won't put the campaign on hold, and Siegelman will appear on radio talk shows and find other ways to get out his message during the proceeding.

"Every spare moment he has, he's going to be visible," Hill said.

Retired Army officer Jim Centric, 56, of Phenix City gave \$320 to Siegelman's legal defense fund. Centric, an Ohio native, works for a firm that designs training programs for the Army. He said he's the lone Democrat in a 12-person office, but isn't shy about his support for Siegelman.

"I am going to vote for him because I am convinced the charges are nothing more than air," Centric said. "I believe it enough that I gave him \$320."

Centric said he's convinced of that, in part, because of the timing of the indictment. "They're dragging this out to the eve of the election," he said.

He predicted an acquittal but said Siegelman still has a tough road back to the governor's office.

"Once he's cleared of the charges, Republicans are going to flood this state with money," Centric said. "They're going to try to keep it red."

Hazel Hedlough of Smiths sat in a folding chair near her husband of 48 years, Warren Hedlough, a veteran of World War II, the Korean War and Vietnam. She supports Siegelman, in part, because of his plan to propose a lottery to help fund education programs.

"We've got to get around this Bible Belt mind-set," Hedlough said, referring to the religion-based views of some lottery opponents.

Hedlough said she expects Siegelman to be acquitted by a jury. In the meantime, she plans to do what she can to help his campaign.

"I'm 78 years old, and I have a tough time getting around," Hedlough said. "I'm going to do something."

Posted by Siegelman for Governor at 23:21 in [Campaign Trail](#) | [Link](#) | [Comments](#) (0)

## **March 21, 2006**

### **Covering Autauga County**

Today we covered Autauga county. We met our county coordinator in Prattville and shook hands at the courthouse. We dropped by the Prattville Progress and talkd with their staff. It is amazing how much growth this area has experienced in the last ten years.

As we go around the state one of the statements that we hear is "Are you for the Lottery?" Even the people who dislike the lottery have to agree that the lottery will allow Alabama's kids to go to college on a scale that will launch Alabama's economy forward. Come work with us to relected Gov. Siegelman.

Posted by Siegelman for Governor at 23:38 in [Campaign Trail](#) | [Link](#) | [Comments](#) (0)

## **March 19, 2006**

### **Busy Sunday**

We had a great day today. We started out at the FOP state convention in Montgomery. It was good to take time to meet and talk with the dedicated men and women who put the life on the line each and everyday protecting us.

From the FOP convention we went to our organizational meeting for the Montgomery area. One of the people who came was Parker a fourth grader who was doing a report on Gov. Siegelman. He ended up having his picture taken with the Governor by the Birmingham News.

Look forward to seeing you on the campaign trail.

Posted by Siegelman for Governor at 23:16 in [Campaign Trail](#) | [Link](#) | [Comments](#) (0)

## **March 18, 2006**

### **Siegelman optimistic about upcoming Governor's race**

## East Alabama Journal

By Micheil O'Rourke-Cole

Locally, Siegelman's campaign platform shows significant support for Phenix City's current drive to redevelop the riverfront and the downtown district. With the streetscape plans for Broad Street in hand, he reviewed on paper and on foot the progress the city is making and what the city hopes to accomplish within the next few years.

"This is exactly what I am talking about," he said as he toured the 14th Street Bridge area of the city with East Alabama Journal Publisher Craig Howard.

His proposed "Prosperity Districts" marry well with what city leaders and developers envision for the area. Couched with a "small-business friendly" approach, the potential democratic candidate for governor wants the state to "open up" monies for small communities to beautify, restore and enhance.

"The state has money for clean water, sewage, sidewalks, landscaping, for lighting," said Siegelman. "If we focused some of these resources in these 'Prosperity Districts' and let the local community decide what they want to do, you would have a thriving district where people would want to come to shop and eat and visit."

A clear benefit to a restored and redeveloped area is how a city looks to industry and businesses looking to locate in Alabama. "Create places where small business would like to locate," said Siegelman. "Bring this community back to life. When you bring an automotive site manager through a community with new schools and a nice environment, we have a better chance of locating a company here."

During his term he was able to construct 1,000 new schools and build over 800 bridges. His record for courting the automotive industry scored five plants in the state. "Governor Riley has missed an opportunity with Toyota, Honda, Kia, Nissan and with Lockheed Martin," said Siegelman. "This is what propels me to run. When I negotiated with Chairman Chung to bring Hyundai to south Montgomery County, he said: 'As soon as I am finished with Hyundai, I am going to build a Kia plant right next to it. For you that means another 2,000 employees. Well, after the election I would have been on an airplane going back to Seoul and closing that deal. Bob Riley has not been to see him yet.'" Currently, Kia is considering West Point, Ga., for a site.

Siegelman and Lt. Gov. Lucy Baxley will face each other in the Democratic primary on June 6. The Republican primary is shaping up as a race between "Ten Commandments" Judge Roy Moore and the incumbent, Gov. Bob Riley.

Siegelman aims and fires at the current administration, specifically on issues of economic development in the state and educational opportunities for Alabama children. He feels having a lottery is still a dream worth fighting for and that Alabama needs, "a dog that will hunt," rather than "nap on the porch."

Dogging the former governor, however, is the racketeering case scheduled to be heard in May. Siegelman is likely to have very few days to campaign once the case is decided and the polls open for the primary. Out of 44 pages in the indictment, Siegelman says, not one sentence says or implies that he "... put any money went into his own pockets."

"The case and the race," said Siegelman. "There is really something unusual about the timing of all this, isn't there?"

Posted by Siegelman for Governor at 14:01 in Campaign Trail | [Link](#) | [Comments \(0\)](#)



**March 17, 2006**

**Siegelman, Riley and Moore Address Largest Political Rally of 2006**

(Arley) Speaking with Governor Bob Riley standing nearby at the Winston County Chitlin Dinner , former Alabama Governor Don Siegelman told Riley not to, "come up here taking credit for the five automobile plants that I brought to Alabama during my term as governor, but you can take credit for losing the Kia plant that I handed you on a silver platter."

Speaking to over two thousand people gathered in the school gym, each candidate laid out their campaign plans. Former Chief Justice, Roy Moore, spoke to repeated applause when attacking Riley on raising taxes. Siegelman was quick to join in by saying, " We need a governor we can trust... Governor Riley, you said during our debate in 2002 that you wouldn't raise taxes, and then you tried to ram down our throats a 1.4 billion dollar tax increase."

Siegelman ended his talk by saying Riley's proposed tax rebate was nothing more than election year politics. "Bob Riley talking about tax relief is like Tony Soprano talking about law and order." Siegelman said to an obviously amused audience.

Concerning his federal indictment, Siegelman said. "These false charges were brought by US Attorney Leura Canary who is the wife of Bob Riley's campaign manager."

Posted by Siegelman for Governor at 13:55 in [Campaign Trail](#) | [Link](#) | [Comments \(0\)](#)

**March 16, 2006**

**Siegelman Blasts Riley at Mayor's Conference**

Speaking to the North Alabama Mayor's Conference in Huntsville Thursday night, Former Alabama Governor Don Siegelman pledged his support for better schools and the revitalization of smaller communities. Focusing on his "Prosperity Plan for the People of Alabama" Siegelman outlined his platform of greater job growth, downtown development, road and bridge improvements, and a renewed focus on education. "People know that when I talk about education, I mean business." Said Siegelman. He went on to outline the many strides made by his first administration in the area of education including the construction of one thousand new school buildings which replaced portable classrooms. "But the key is giving our children hope and their families' financial relief from the high cost of college with an education lottery." Siegelman criticized Bob Riley's recent tax proposals saying that money should be reinvested into Alabama schools. "How can we brag about a budget surplus when we have vital programs under-funded?" asked Siegelman. Adding, "Some call it robbing Peter to pay Paul. I call it robbing Peter to buy votes." Summarizing his feelings about the Riley tax plan, Siegelman said, "Bob Riley talking about tax relief is like Tony Soprano talking about law and order." The Siegelman campaign next makes stops in Jasper tomorrow, followed by a speech tomorrow night at the annual Winston County Democratic Party Cookout in Arley.

Posted by Siegelman for Governor at 14:14 in [Campaign Trail](#) | [Link](#) | [Comments \(0\)](#)

**Come get organized**

**Mark your calendars for our Organizational Rallies, March 18-26.**

We will be meeting at different locations throughout the state. Come join us and hear the



Governor and help us organize the state for June.

March 18th 10:00 a.m. 185 Haddock Rd., Hatchechubbee, AL (Russell County)

March 18th 3:00 p.m. Holiday Inn Hwy. 231 at Hwy. 29 Troy, AL

March 19th 2:00 p.m. Courtyard Eastern Blvd. @ Carmicheal Rd. Montgy,AL

March 23rd 6:30 p.m. Horse Shoe Inn Highway 280 Alex City, AL

March 25th 2:00 p.m. Country Inn 807 Bank Street NE, Decatur, AL

March 26th 2:00 p.m. Ramada Inn Ross Clark Circle, Dothan, AL

If you can make it, we would love for you to email your name, telephone number, and address to [SiegelmanCampaign@Siegelman2006.com](mailto:SiegelmanCampaign@Siegelman2006.com) But even if you can't make the meeting, we would love to know if you would be willing to assist with the campaign in your area. If so, please send along your contact information to the email listed above. Once we hear from you, we will be able to plug you into the county structure in your area.

Thanks for your support and I look forward to seeing you.

Posted by Siegelman for Governor at 13:41 in [Campaign Trail](#) | [Link](#) | [Comments \(0\)](#)

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**Post Primary Retirement:** One week after winning the Democratic primary U.S. Representative Lane A. Evans (D-IL) announced that he would be retiring from Congress at the end of his current term. Evans has been suffering from Parkinson's disease. By retiring after the primary, Party leaders in the district will choose his successor. Republicans cannot replace their nominee, former television anchor Andrea Lane Zinga (R-IL) unless she decided to leave the ballot voluntarily.

[Stories Here](#), [Here](#) and [Here](#). [Your Comments Here](#).

**All Politics:** Former Governor Donald E. "Don" Siegelman (D-AL) claims that the criminal charges against him were brought by the "wife of [Governor] Bob Riley's campaign manager." U.S. Attorney Leura Garrett Canary is the wife of Bill Canary, Riley's re-election campaign manager, but she stepped aside from the investigation in 2002, three years before a federal grand jury returned charges against the

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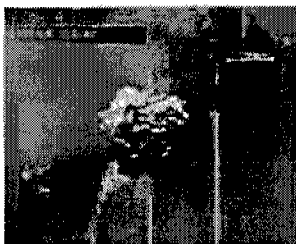
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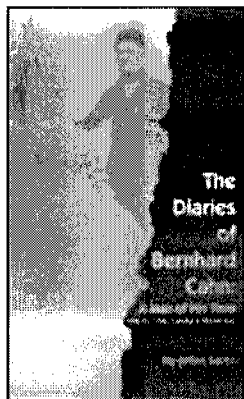
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**The Diaries of Bernard Cahn**



gubernatorial candidate. Additionally, the federal investigation was started before Canary took office. Siegelman faces racketeering and bribery charges and is scheduled to go to trial May 1.

[Story Here.](#) [Your Comments Here.](#)

**Take Credit Now:** Governor Arnold Schwarzenegger (R-CA) has begun airing campaign commercials which try to claim credit for the state's improving economy.

[Stories Here](#) and [Here.](#) [Your Comments Here.](#)

**Agreeing to Debate:** Democratic gubernatorial candidates Phil Angelides (D-CA) and Steve Westly (D-CA) have accepted invitations for a Los Angeles debate on environmental issues, even though their political camps have reached no direct agreements on a series of campaign faceoffs.

[Story Here.](#) [Your Comments Here.](#)

**Power of Incumbency:** Governor Rod R. Blagojevich (D-IL) is using the power of incumbency, traveling across Illinois on official business touting his core issues, to remind voters what he's all about and to steal momentum from his general election opponent, state Treasurer Judy Baar Topinka (R-IL).

[Story Here.](#) [Your Comments Here.](#)

**Blackmail:** The Chicago City Council's black caucus met with State Senator James T. Meeks (D-IL) and agreed to back his independent gubernatorial bid unless Governor Rod R. Blagojevich (D-IL) commits as much as \$4 billion during the next four years to African-American causes.

[Story Here.](#) [Your Comments Here.](#)

**Soup Kitchen Cabinet:** When President George W. Bush (R-TX) comes into Iowa next month for a fundraiser for U.S. Representative Jim Nussle (R-IA), gubernatorial candidate Michael Blouin (D-IA) will hold charity soup suppers. Blouin will give all of the proceeds to area food pantries. He called the events an opportunity to spotlight some stark differences between Nussle's approach to government, to people left behind, and our approach.

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**Either Good or Bad:** White House chief of staff Andrew H. Card, Jr. (R-MA) abruptly resigned leading rumors that he might be connected to investigation of leaked confidential information, or might be considering a run for governor of Massachusetts.

[Stories Here](#) and [Here.](#) [Your Comments Here.](#)

**GOP Oppose Taxes, Even When Proposed by a Republican:** Republican gubernatorial candidates U.S. Representative James Arthur "Jim" Gibbons (R-NV), Lieutenant Governor Lorraine T. Hunt (R-NV) and State Senator Bob Beers (R-NV) all disavowed Governor Kenny C. Guinn's (R-NV) 2003 tax increase.

[Story Here.](#) [Your Comments Here.](#)

**Coming Into Your Living Room:** Gubernatorial candidates J. Kenneth Blackwell (R-OH) and Jim Petro (R-OH) are each spending more than \$1 million for television commercials statewide starting no later than April 17 and running through the May 2 Republican primary.

[Story Here.](#) [Your Comments Here.](#)

**Foo-ball:** Gubernatorial candidate Bryan E. Flannery (D-OH) and his running mate Frank M. Stams (D-OH) use their first television commercial to portray themselves as solid family men "*who bashed heads together*" as Notre Dame football players.

[Story Here.](#) [Your Comments Here.](#)

**Waste and Fraud:** Gubernatorial candidate Thomas R. "Tom" Suozzi (D-NY) has once again criticized Attorney General Eliot L. Spitzer (D-NY), the frontrunner for the Democratic gubernatorial nomination, for what Suozzi's called Spitzer's failure to stamp out Medicaid waste and fraud in New York State.

[Story Here.](#) [Your Comments Here.](#)

**The Secret of Good Comedy is Timing:** The administration of Governor James Doyle (D-WI) is denying any connection between the rewarding of state contracts to two out-of-state firms and contributions of thousands of dollars to Doyle's re-election campaign. But

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**Web Report**

administration and campaign officials note that the companies that got the contracts won competitive bids, but the timing of the gifts is prompting renewed questions about possible ties between Doyle's campaign and state business.

[Story Here.](#) [Your Comments Here.](#)

**Attracting the Drug Business:** Raymond B. Hunkins (R-WY) formally launched his gubernatorial campaign telling about 250 supporters that Wyoming "needs a governor who will aggressively court business." Hunkins claims that Governor Dave Freudenthal (D-WY) has lacked leadership in addressing the methamphetamine problem in the state.

[Story Here.](#) [Your Comments Here.](#)

**Second Choice:** Cable executive Edward M. "Ned" Lamont (D-CT) confirmed that he decided to challenge U.S. Senator Joseph I. "Joe" Lieberman (D-CT) after he was unable to convince former Governor and U.S. Senator Lowell P. Weicker, Jr. (I-CT) to run as a Democrat. Lamont said he had no interest in running as an independent should he not win his party's endorsement. Lamont estimated that his bid could end up costing \$10 million or more and said he was prepared to "put some money on the table now" to prime the campaign cash pump.

[Story Here.](#) [Your Comments Here.](#)

**Beating Around the Bush:** President George W. Bush (R-TX) hopes to boost both the campaign treasury and fortunes of U.S. Senator Conrad Burns (R-MT) by hosting a private fundraiser for the vulnerable Republican in Washington, D.C..

[Story Here.](#) [Your Comments Here.](#)

**Hoping that Voters Don't Distinguish Between State and Federal Taxes:** Hoping to mimic the surprise success of Christine Todd Whitman (R-NJ) in 1990, Senate candidate Thomas H. Kean Jr. (R-NJ) laid out an anti-tax agenda yesterday that is meant to provide the foundation for his U.S. Senate campaign. Kean is hoping that voters' anger that Governor Jon S. Corzine (D-NJ) has proposal raising state taxes will be felt by U.S. Senator Robert "Bob" Menendez's (R-NJ) re-election campaign.

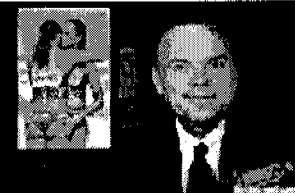
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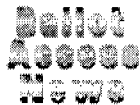
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**To Serve Virginia:** Senate candidate Harris N. Miller (D-VA), reading the New York Times article which said that U.S. Senator Ge F. Allen (R-VA) was bored with service in the U.S. Senate, suggested the junior senator resign. "Virginia deserves better," told reporters conference call. "Senator Allen should step down immediately and someone else take his place, who still cares about putting the need Virginia first."

[Story Here.](#) [Your Comments](#)

**Raese With the Best:** Senate candidate John R. Raese (R-WV) hired two high-profile GOP strategists to help him in his campaign defeat U.S. Senator Robert C. Byrd (D-WV).

[Story Here.](#) [Your Comments](#)

**Mayberry Merriment:** Health care executive Tom Formicola (AR) has rained on the parade of former Arkansas Economic Development Department Official Andy Mayberry (R-AR) by filing a candidate in the Republican congressional primary. Mayberry was hoping to win the nomination by default so that he could concentrate a general election challenge to U.S. Representative Victor F. "Vic" Snyder (D-AR). Formicola said he'd be a better challenger against Snyder because he's more moderate, older and has more business experience than Mayberry. He said Mayberry an ultra conservative too focused on abortion and promoting a conservative social agenda.

[Story Here.](#) [Your Comments](#)

**Frontrunners Never Debate:** Former U.S. Representative Pat "Pete" McCloskey, Jr. (R-CA) and retired businessman Thomas A. Benigno (R-CA) will square off in a debate on April 4, 2006. It is the third of eleven scheduled appearances. The two are challenging U.S. Representative Richard W. Pombo (R-CA) in the Republican primary. Pombo has been invited to the debates, but he hasn't shown up yet, has never responded to McCloskey's written requests for face-to-face meetings.

[Story Here.](#) [Your Comments](#)

**Conservatives Charge Bilbray:** Absentee ballots have already begun being returned in the race to replace former U.S. Representative



Randy "Duke" Cunningham (R-CA). While Francine P. Busby (D-CO) expected to come in first place in the open primary, Republicans are battling for the rights to face her in the run-off. Conservative Republicans are focusing their attacks on former U.S. Representative Brian P. Bilbray (R-CA), as they seek to overtake the acknowledged frontrunner in the open primary.

[Story Here.](#) [Your Comments](#)

**Preying on Predators:** Congressional candidate Peggy Lamm (D-CO) took her first negative swipe at former state Senator Ed Perlmutter (D-CO), lambasting her opponent for representing predatory debt collectors.

[Story Here.](#) [Your Comments](#)

**Ducking Duckworth:** Former Democratic congressional nominee Christine Cegelis (D-IL) is withholding her endorsement of Iraqi War veteran Ladda "Tammy" Duckworth (D-IL) because she has reservations about Duckworth's positions on universal healthcare and free trade. Cegelis failed to attend a party unity breakfast after Duckworth won the Democratic primary.

[Story Here.](#) [Your Comments](#)

**Bean There, Court Them:** U.S. Representative Melissa Bean (R-IL) courting of K Street lobbyists may put congressional challenger David McSweeney (R-IL) at a disadvantage when he comes to Washington to raise money among corporate political action committees.

[Story Here.](#) [Your Comments](#)

**Akin Diet:** State Representative Sherman Parker (R-MO) entered the Republican congressional primary against U.S. Representative W. L. Akin (R-MO) because he claims that Akin does not spend enough time on "bread-and-butter issues." The contest is being billed as a battle between the religious conservative Akin and the more moderate Parker.

[Story Here.](#) [Your Comments](#)

**War Veteran:** Not all Iraqi War veterans running for Congress are opposed to the White House's prosecution of the war. Vince Micco

NJ), who announced his congressional candidacy against U.S. Representative Steven R. Rothman (D-NJ), says he made his decision after Rothman called for a pullout from Iraq. *"That was the last straw, I was tired of seeing the war used to attack the president, whether it was his critics in Congress or in the media,"* said Micco.

[Story Here.](#) [Your Comments](#)

**Do Over:** U.S. Representative Thomas M. Reynolds (R-NY) is facing a rematch against Jack R. Davis, Jr. (D-NY), a 73-year-old factory worker and lifelong Republican who switched to the Democrats to oppose Reynolds. Davis won nearly 45 percent of the votes last time around while opposing free trade and using his own hefty bankroll. Mr. Davis said yesterday that his primary campaign theme would not change. *"Free trade and globalization is destroying American jobs, farms, and industries."*

[Story Here.](#) [Your Comments](#)

**Mean Jean Nixes Debate:** U.S. Representative Jean Schmidt (R-OH) has pulled out of the April 9, 2006 debate with primary challenger former U.S. Representative Bob McEwen (R-OH).

[Story Here.](#) [Your Comments](#)

**Passing Up an Opportunity:** U.S. Representative Thomas M. "Tom" Davis, III (R-VA), who turned down a salary of \$1.1 million to run for one more term in the House before seeking the Senate seat currently held by U.S. Senator John Warner, referred to his potential opponent Andrew L. Hurst (D-VA) and Kenneth Longmyer (D-VA), as midges.

[Story Here.](#) [Your Comments](#)

**Poll Updates:** Updated poll information have been posted (for subscribers only). New polls were posted in the last two days in the following contests: California Special Congressional election, Florida Governor, Michigan Governor, Ohio 15th Congressional District, Pennsylvania Governor, Pennsylvania Senate and Virginia Senate.

[Your Comments](#)

**Supporting Cast - Exonerated by Statute of Limitations:** Travis County Attorney David Escamilla announced that time had run out on a lawsuit filed by a former county clerk.

out and he would not pursue a misdemeanor criminal investigation whether former Christian Coalition leader and Lieutenant Governor candidate Ralph Reed (R-GA) violated his Texas's lobbying laws. Reed immediately declared that he was exonerated.

[Story Here.](#) [Your Comments](#)

**Gentlemen, Start Your Blogs:** In a unanimous vote, the Fed. Election Commission left unregulated almost all political activity on the Internet except for paid political advertisements. Campaigns buying ads will have to use money raised under the limits of current federal campaign law. The commission effectively granted media exemption to bloggers and other activists using the Web to allow them to praise or criticize politicians, just as newspapers can, without fear of federal interference.

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## **EXHIBIT 4**

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February 6, 2006

Phyllis S. Jones  
FOIA Contact  
Justice Management Division  
Department of Justice  
Room 1111 RFK,  
950 Pennsylvania Avenue, N.W.  
Washington, DC 20530-0001

*Re: Recusal by Leura Canary*

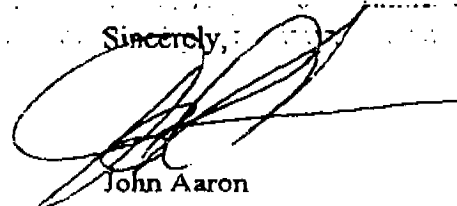
Dear Ms. Jones,

I am requesting information regarding the recusal of Leura Canary, the U.S. Attorney for the Middle District of Alabama on or about May 16, 2001 in connection with the investigation of state of Alabama's employees or former employees. This information is requested pursuant to the Freedom of Information Act and any other applicable law.

I am requesting copies of the Confidential Conflict of Interest Certification that Mrs. Canary submitted in this matter; copies of any documents that she submitted to the Department of Justice regarding this issue, any Certificate of Divestiture that was submitted or issued in this matter; any documents referred to as 502 determinations that were issued in this matter; any correspondence regarding this matter and the reason for the potential conflict; any written authorizations for Mrs. Canary to be involved with the investigation after the disclosure of the potential conflict; Mrs. Canary's disclosure of potential conflict; the Department of Justice determination of whether Mrs. Canary had a conflict; any document related to Mrs. Canary involvement with the investigation after her recusal; and any other document available regarding this matter;

If you have any questions feel free to give me a call.

Sincerely,



John Aaron

Enclosure

## **EXHIBIT 5**



## The Birmingham News

### Siegelman ties Riley to indictment

**Wife of governor's aide not involved, Republicans say**

Sunday, March 26, 2006

**KIM CHANDLER**

**News staff writer**

MONTGOMERY - Former Gov. Don Siegelman likes to say criminal charges against him were brought by the "wife of Bob Riley's campaign manager." But the federal investigation was started before the U.S. attorney in question took office, a federal prosecutor said.

U.S. Attorney Leura Garrett Canary also stepped aside from the investigation in 2002, eight months after taking office and three years before a federal grand jury returned charges against the popular Democrat.

Siegelman, who is running for governor again this year, faces racketeering and bribery charges and is scheduled to go to trial May 1. He repeatedly has said the charges against him are politically motivated and often named Canary, whose husband has a lengthy resume in Republican politics.

"These false charges were brought by U.S. Attorney Leura Canary who is the wife of Bob Riley's campaign manager," Siegelman said in a March 17 press release.

"The Governor made it clear that this indictment is nothing more than a press release from Bob Riley's campaign manager, Bill Canary - put out by Canary's wife - who is the U.S. Attorney who brought the false charges," another statement read.

Louis Franklin, the acting U.S. attorney in the case, said career employees from the Middle District of Alabama and the Public Integrity Division in Washington have made the major decisions in the case. Those included the decisions to convene a special grand jury in 2004 and to ultimately seek charges, he said.

Franklin said Canary has had no involvement in the investigation since she stepped aside in May 2002.

"She has absolutely nothing to do with this case," Franklin said.

Then-Attorney General Bill Pryor, a Republican, announced an investigation in 2001 after the Mobile Register published reports about a failed warehouse deal struck under Siegelman's administration.

Shortly thereafter, in July or August 2001, the U.S. attorney's office started its investigation, Franklin said. Charles Nevin, a career Department of Justice employee, was interim U.S. attorney at the time, and Canary took office in September after being appointed by President Bush.

She stepped aside from the investigation in May 2002 after Siegelman's attorney said it was improper for her to be involved in the investigation because of her husband's ties to Republican politics.

She said at the time that federal officials found no conflict with her involvement, but she stepped aside to avoid the appearance of a conflict. Both she and her husband declined to comment last week.

Nevin then began overseeing the investigation, and Franklin said he took over the investigation when Nevin



retired.

One prosecutor from Washington and three lawyers from the Middle District are working on the case. Franklin said that, of the three local lawyers, two - he and assistant U.S. Attorney Steve Feaga - were hired by Canary's predecessor, Redding Pitt, a former chairman of the Alabama Democratic Party and now a member of Siegelman's defense team. Pitt also was in office when Canary went to work in its civil division.

Franklin, who oversees the federal prosecutors working on the case, said he doesn't claim a party affiliation, but he generally votes for Democrats.

**Technically accurate:**

Chip Hill, a spokesman for Siegelman's campaign, said the accusatory campaign statements were technically accurate because the charges were "brought by her office."

Hill said the investigation is tainted because of Canary's involvement no matter how short because she "got the snowball rolling downhill." She didn't step aside until Siegelman's attorney made an issue of it, he said.

"She should have never been involved in the investigation knowing her husband's ties. ... What was she doing during those months?" Hill said.

Hill said the investigation was opened in 2001, as Siegelman prepared to run for re-election, and the grand jury in Montgomery indicted him last year, as Siegelman prepared to run in the 2006 race.

Bill Canary, now president of the Business Council of Alabama, has a lengthy resume in Republican politics. In 1989, President George H.W. Bush appointed him to serve in the White House as special assistant to the president for intergovernmental affairs. Following his time at the White House, Canary was named chief of staff for the Republican National Committee.

Bill Canary is considered an ally and adviser to Riley. However, Josh Blades, a spokesman for Riley's 2006 campaign, said Bill Canary had no official role in the 2002 campaign and was not the campaign manager.

"Billy Canary and the governor enjoy a great friendship," Blades said.

Before charges were brought against Siegelman in Montgomery, federal prosecutors in Birmingham brought bid-rigging charges against him. They abandoned their case after a judge dismissed much of their evidence.

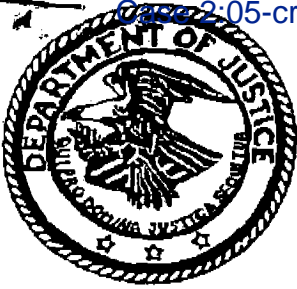
Federal prosecutors have said the investigation in Montgomery took much longer than they liked. One reason was personnel changes, Franklin said, because three of the attorneys originally assigned to the case retired or changed duties.

E-mail: kchandler@bhamnews.com

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## **EXHIBIT 6**



# PRESS RELEASE

Office of the  
United States Attorney  
Middle District of Alabama  
Leura Garrett Canary

---

P. O. Box 197

• Montgomery, Alabama 36101

• 334/223-7280

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Contact Bertha Moore  
Acting Press Officer  
(334) 223-7280  
May 16, 2002

The following is a statement from United States Attorney  
Leura Garrett Canary:

"There has been recent speculation in the press as to whether I will recuse myself from certain matters that may or may not be pending in my office. While it would not be appropriate for me to discuss any investigations that may or may not be under review in my office, I can tell you that in circumstances in which recusal issues are raised, I will discuss the propriety of my involvement with the Department of Justice and have done so in connection with recent inquiries. As to any matters pertaining to any current investigation of state officials or matters of state government which may or may not be underway, the Department of Justice has advised me that no actual conflicts of interest exist. However, out of an abundance of caution, I have requested

Alabama Rules of Professional Conduct, Rule 3.6, requires a statement explaining that the charge is merely an accusation and that the defendant is presumed innocent until and unless proven guilty.

that I be recused to avoid any question about my impartiality.

It is of the utmost importance to me, as a United States Attorney, that the people in the Middle District of Alabama and throughout the State have confidence in the manner in which matters are handled by me and by the office I serve and that no one has a basis under which to question the integrity of any investigation undertaken by my office. To that end, the Department has assigned responsibility for the supervision of any investigation regarding state officials or matters of state government to First Assistant United States Attorney Charles R. Niven. In addition, if such investigation were to develop or exist, the Department's Criminal Division, Public Integrity Section, will play a significant role in the conduct of such investigation. I am confident these measures adequately address any concerns the public may have."

Alabama Rules of Professional Conduct, Rule 3.6, requires a statement explaining that the charge is merely an accusation and that the defendant is presumed innocent until and unless proven guilty.
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